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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

## UNITED STATES COURT OF APPEALS

## FOR THE NINTH CIRCUIT

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CLAUDIO GODINEZ-MEJIA, a.k.a.  
Claudio Godinez,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

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Nos. 06-75317,  
07-72579

Agency No. A091-954-348

MEMORANDUM\*

On Petitions for Review of Orders of the  
Board of Immigration Appeals

Submitted December 15, 2009\*\*

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

In these consolidated petitions for review, Claudio Godinez-Mejia, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

his application for cancellation of removal, and the BIA's order denying his motion to reopen. In light of intervening caselaw, we grant the petition for review in 06-75317 and remand, and we dismiss the petition for review in 07-72579.

After the BIA issued the orders under review, we held in *Nicanor-Romero v. Mukasey*, 523 F.3d 992 (9th Cir. 2008), that California Penal Code § 647.6 is not categorically a crime involving moral turpitude and that a modified categorical approach is required. 523 F.3d at 1007-08. We therefore grant the petition for review in 06-75317 and remand for further proceedings consistent with our decision in *Nicanor-Romero*.

In light of our disposition, we do not reach the petition for review in 07-72579.

**IN 06-75317, PETITION FOR REVIEW GRANTED; REMANDED.**

**IN 07-72579, PETITION FOR REVIEW DISMISSED.**